




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO : Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM :  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *United States Telecom Association, et al v FCC & USA*, D.C. Circuit No. 03-1263, *Verizon Telephone Companies, et al v FCC & USA*, D.C. Circuit No. 03-1264, *Qwest Communications International Inc. v FCC & USA*, D.C. Circuit No. 03-1266, *Conversent Communications, LLC v FCC & USA*, First Circuit No. 03-2271, *AT&T Corp. v FCC & USA*, Second Circuit No. 03-40474, *SNIP LINK LLC v FCC & USA*, Third Circuit No. 03-3711, *BridgeCom International, Inc. v FCC & USA*, Third Circuit No. 03-3782, *WorldCom, Inc. v FCC & USA*, Fourth Circuit No. 03-2090, *Allegiance Telecom, Inc. v FCC & USA*, Fifth Circuit No. 03-60738, *Sage Telecom, Inc. v FCC & USA*, Fifth Circuit No. 03-60741, *LDNI Telecommunications, Inc. v FCC & USA*, Sixth Circuit No. 03-4183, *Focal Communications Corp. v FCC & USA*, Seventh Circuit No. 03-3358, *Eschelon Telecom, Inc. v FCC & USA*, Eighth Circuit No. 03-3212, *Covad Communications Co. v FCC & USA*, Ninth Circuit No. 03-73172, and *Z-Tel Communications, Inc. v FCC & USA*, Eleventh Circuit No. 03-14539-1; Filing of Petitions for Review in the United States Courts of Appeals for the District of Columbia, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits

DATE: September 23, 2003

This is to advise you that on September 3, 2003, the United States Telecom Association, *et al* and Verizon Telephone Companies, *et al* filed Petitions for Review in the D.C. Circuit, on September 4, 2003, Qwest Communications International Inc. also filed in the D.C. Circuit and Covad Communications Co. filed in the Ninth Cir., on September 5, 2003, AT&T Corp. filed in the Second Circuit, on September 8, 2003, Focal Communications Corp. filed in the Seventh Circuit and Eschelon Telecom, Inc. filed in the Eighth Circuit, on September 9, 2003 SNIP LINK, LLC filed in the Third Circuit, WorldCom, Inc. filed in the Fourth Circuit, LDNI Telecommunications, Inc. filed in the Sixth Circuit and Z-Tel Communications, Inc. filed in the Eleventh Circuit, on September 11, 2003, Conversent Communications, LLC filed in the First Circuit and Allegiance Telecom, Inc. filed in the Fifth Circuit, on September 12, 2003, Sage Telecom, Inc. also filed in the Fifth Circuit, and, on September 19, 2003, BridgeCom International, Inc. filed in the Third Circuit, pursuant to 47 U.S.C. § 402(a) of the following order: *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of*

the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96-98, and 98-147, FCC 03-36 (rel. August 21, 2003)

Petitioners challenge various aspects of the Commission's revised rules concerning the unbundling of network elements under Sections 251(c)(1) and 251(d)(2) of the Communications Act.

The Courts have docketed these cases as Nos. 03-1263, 03-1264, 03-1266, 03-2271, 03-40474, 03-3711, 03-2090, 03-60738, 03-60741, 03-4183, 03-3358, 03-3212, 03-73172, 03-14539-1, and 03-3782.

On September 16, 2003, the Judicial Panel on Multidistrict Litigation randomly selected the United States Court of Appeals for the Eighth Circuit in which to consolidate these petitions for review.

The attorneys assigned to handle the litigation of these cases are James M. Carr, Laurence N. Boune, John L. Angle and Joel Marcus.